



**State of Vermont**  
**Department of Public Service**  
112 State Street  
Montpelier, VT 05620-2601  
<http://public.service.vermont.gov>

[phone] 802-828-2811  
[fax] 802-828-2342  
[tdd] 800-734-8390

November 29, 2018

**By Hand Delivery and Electronic Mail**

Ms. Judith Whitney, Clerk  
Vermont Public Utility Commission  
112 State Street, Floor 4  
Montpelier, Vermont 05620


Re: Non-Party Filing of Privileged Documents to ePUC Public Comment System

Dear Ms. Whitney:

Earlier today the Department of Public Service (the "Department") received an electronic copy of the attached letter from Mr. Brian Winn. In his letter, Mr. Winn indicates that he intends to submit documents to the Public Utility Commission via the ePUC system as "evidence related to some of the allegations in the Anonymous Letter."

The Department has reviewed the two documents listed by Mr. Winn in his letter and made a preliminary determination that those documents are subject to the attorney-client and/or work product privileges. It would be highly inappropriate for these or any other privileged documents to be made publically accessible by the Commission via the ePUC system. The Department, therefore, respectfully requests that the Commission take any available action within the ePUC system to allow for the Department to review any documents uploaded by Mr. Winn prior to making such documents publically available. The Department will review any such documents as expeditiously as possible and seek appropriate remedies from the Commission regarding any documents that are subject to applicable privileges.

Sincerely,

  
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James Porter, Esq., Director for Public Advocacy  
Daniel C. Burke, Esq., Special Counsel

cc: Brian Winn (by email)

Brian E. Winn  
Colchester, VT 05446

November 29, 2018

James Porter, Esq.  
Director of Public Advocacy  
Vermont Department of Public Service  
112 State Street, Montpelier, VT 05620

RE: Public Comments of Brian Winn, Former Director of Finance & Economics, Vermont  
Department of Public Service.

Dear Mr. Porter,

In the comments that I filed with the PUC on 11/27/2018, I indicated that I had access to evidence related to some of the allegations in the Anonymous Letter. I have been advised by the PUC General Counsel that the only way to submit this evidence is by public comment in ePUC. Although not labeled Confidential or Attorney Client Privileged, out of an abundance of caution I am asking you to confirm whether you have an objection, on the basis of Attorney-Client Privilege, to my submission of the following documents:

- 1) A photo copy of the hand-written comments of Commissioner Tierney on a draft of my direct testimony for the GMP MicroGrid-Milton case (17-5003). The document was provided to me by Sheila Grace, who was the attorney on that case.
- 2) An Email from Dan Burke, addressed to me, dated 8/9/2018 at 10:25am, and an attached draft of my direct testimony in the GMP Rate Case (18-0974). The draft testimony shows some of the changes made by Commissioner Tierney. Dan, and yourself, are the attorneys on that case.

Again, neither the email or the documents are labeled Confidential or Attorney Client Privilege. It is currently my intention to begin uploading the other materials tomorrow, so I would be grateful for your prompt attention.

Sincerely,

Brian E. Winn

Cc: Daniel C. Burke, Esq. Special Counsel